

DEREK LANGTON (UT 4068)
J. THOMAS BECKETT (UT 5587)
SCOTT S. BELL (UT 10184)
DAVID P. BILLINGS (11510)
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, UT 84111
Telephone: (801) 532-1234
Facsimile: (801) 536-6111
Email: ECF@parsonsbehle.com

Attorneys for Plaintiff Nevada Star Resource Corp.

IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION

In re WESTERN UTAH COPPER COMPANY, Debtor.	Bankruptcy Case No. 10-29159-WTT (Jointly Administered with Case No. 10-30002 WTT) Chief Judge William T. Thurman Chapter 11
NEVADA STAR RESOURCE CORP., Plaintiff, vs. WESTERN UTAH COPPER COMPANY, Defendant.	Adv. Pro. No. 10-02854 [Filed Electronically] STIPULATION AND JOINT MOTION TO (1) DISMISS RELATED ADVERSARY CASE NO. 10-0265, (2) PERMIT AMENDMENT TO DEFENDANT'S COUNTERCLAIM, AND (3) MODIFY ORDER GOVERNING SCHEDULING AND PRELIMINARY MATTERS

The above-named plaintiff Nevada Star Resource Corp. ("Plaintiff") and defendant Western Utah Copper Company ("Defendant"), by and through their respective counsel of record, hereby stipulate and agree and jointly move the Court to (1) dismiss the related Adversary

Proceeding bearing Case No. 10-02652, (2) permit Defendant to file an Amendment to its Counterclaim herein, within two weeks of the date of the Order on this Stipulation, in order to allege the claims that were alleged in Case No. 10-02652 against the defendants named therein, and (3) modify the “Order Governing Scheduling and Preliminary Matters,” dated November 5, 2010 (Dkt. No. 4) (“Scheduling Order”) in order to extend the cutoff date for completing fact discovery, and to extend all remaining deadlines by a corresponding period of time.

This Stipulation is based on the Parties’ agreement that the entirety of their disputes should be adjudicated in the same action for the sake of efficiency and judicial economy. This Stipulation is also based on unforeseen delays and unanticipated scope of discovery required. Due to the broad scope of Plaintiff’s discovery requests to Defendant in this adversary proceeding, and the difficulties encountered by Defendant in gathering and producing the documents responsive to Plaintiff’s discovery requests due to financial constraints, lack of staff, and the disorganized state of Defendant’s business records at the time of filing of its bankruptcy petition, the parties have been unable to proceed with taking depositions as quickly as they had contemplated when the Order Governing Scheduling and Preliminary Matters was entered. Furthermore, the parties anticipate taking up to thirty depositions in four different states which has resulted in significant scheduling complications.

As a result, Plaintiff and Defendant believe that they will be unable to complete fact discovery within the current fact discovery cutoff date (March 31, 2011), and therefore, they seek to extend the fact discovery cutoff date by 90 days, and to extend all remaining deadlines by a corresponding period of time.

Based on the foregoing, Plaintiff and Defendant hereby stipulate and agree that the following scheduling deadlines should be substituted for the corresponding deadlines contained in the Order Governing Scheduling and Preliminary Matters:

1. **Discovery Cut-Off:** All fact discovery (*i.e.*, all discovery except discovery relating to expert witnesses) will be completed by Friday, July 1, 2011.

2. **Expert Reports:** Plaintiff must submit any Rule 26(a)(3)(B) expert reports by no later than Friday, July 29, 2011. Defendant must submit any Rule 26(a)(3)(B) expert reports by no later than Friday, August 26, 2011.

3. **Expert Discovery Cutoff Date:** All discovery relating to trial expert witnesses, including any depositions of expert witnesses, must be completed by Thursday, September 29, 2011.

4. **Motion Deadline:** All dispositive motions or potentially dispositive motions must be filed by Thursday, September 29, 2011.

5. **Witnesses and Exhibits:** Final lists of witnesses and exhibits are due from Plaintiff and Defendant by Monday, October 31, 2011.

6. **Attorney's Conference:** Counsel for the parties shall hold an attorney's conference to discuss settlement, a proposed pretrial order, stipulated facts, exhibit lists, witness lists and other matters that will aid in the preparation of an accurate, complete and definitive pretrial order. This attorney's conference shall be held on Tuesday, November 22, 2011.

7. **Pretrial Order:** The parties shall file a proposed pretrial order on or before Tuesday, November 29, 2011.

In addition to the foregoing proposed changes to the Order Governing Scheduling and Preliminary Matters, the parties also request that the Court set a new date and time for a final pretrial conference.

DATED this 7th day of February, 2011.

PARSONS BEHLE & LATIMER

By: /s/ David P. Billings
DEREK LANGTON
J. THOMAS BECKETT
SCOTT S. BELL
DAVID P. BILLINGS
Attorneys for Plaintiff Nevada Star
Resource Corp.

AFFELD GRIVAKES ZUCKER, LLP

By: /s/ Christopher Grivakes
CHRISTOPHER GRIVAKES
Attorneys for Defendant Western Utah
Copper Company
*Electronically signed with permission
from Christopher Grivakes*

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of February, 2011, I electronically filed the foregoing **STIPULATION AND JOINT MOTION TO (1) DISMISS RELATED ADVERSARY CASE NO. 10-0265, (2) PERMIT AMENDMENT TO DEFENDANT'S COUNTERCLAIM, AND (3) MODIFY ORDER GOVERNING SCHEDULING AND PRELIMINARY MATTERS** with the Clerk of Court using the CM/ECF system which sent notification of such filing to all those parties who requested such notice, including the following:

Christopher Grivakes
Affeld Grivakes Zucker, LLP
Email: cg@agzlaw.com

Steven R. Skirvin
Dion-Kindem & Crockett
Email: srs@dkclaw.com

/s/ David P. Billings

DAVID P. BILLINGS
Attorney for Plaintiff Nevada Star Resource Corp.